



February 7, 2005

The Honorable Ken Jacobsen, Chair
Senate Natural Resources, Ocean & Recreation Committee
437 John A. Cherberg Building
P.O. Box 40407
Olympia, WA 98504-0407

The Honorable Brian Sullivan, Chair
House Natural Resources, Ecology & Parks Committee
106 Modular Building 1
P.O. Box 40600
Olympia, WA 98504-0600

Dear Senator Jacobsen and Representative Sullivan:

As directed by RCW 77.85.190, this is the latest in my series of reports to your committees on the status of obtaining federal assurances for the state's Forest Practices program.

The Department of Natural Resources (DNR) has worked closely with other state agencies, federal agencies, tribes, small forest landowners, timber industry, and environmental organizations to develop the necessary documents to make formal application to the U.S. Fish and Wildlife Service and NOAA Fisheries (the Services) for Federal Assurances under 16 U.S.C. Sec. 1533(d) and Section 10 of the Endangered Species Act.

The state has developed a draft habitat conservation plan (HCP) that will serve as the basis for these applications. If you would like copies of the draft HCP, and the accompanying draft Environmental Impact Statement, please let us know.

One issue that received considerable attention during the development of the HCP is the provision that allows a certain class of small forestland owners to implement less restrictive riparian protection measures (relative to Forests and Fish requirements) on non-contiguous parcels of 20 acres or less if total landownership in the state is less than 80 acres. This provision was not part of the original Forests & Fish Agreement, but was enacted in the Forests & Fish Act.

Given the lack of information related to this population of parcels, DNR sponsored two in-depth studies of the potential environmental impacts associated with implementing the less restrictive measures on these parcels.

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In the first study, a group of scientists representing the Forests and Fish stakeholders reviewed the riparian requirements for qualifying 20-acre parcels in light of the available scientific literature. The objective was to estimate the level of ecological benefit the requirements provided relative to unmanaged, mature forest conditions. The primary conclusions of the study were:

- 1) the ecological benefit provided by qualifying parcel rules varies widely and is a function of riparian buffer width;
- 2) stream size (width) determines riparian buffer width, with larger streams receiving wider buffers and smaller streams receiving narrower buffers;
- 3) large woody debris recruitment and shade levels from qualifying parcel buffers will range from 45 to 100 percent of that expected from unmanaged, mature forest stands.

The Rural Technology Initiative (RTI) at the University of Washington conducted the second study. RTI was asked to quantify the landscape-scale effects of the qualifying parcel rules by estimating the length of streams flowing through qualifying parcels. Qualifying parcel stream length was then expressed as a proportion of total watershed stream length in an attempt to quantify the potential impact. The primary conclusions were:

- 1) in 87 percent of Water Resource Inventory Areas (WRIA) studied (46/53), qualifying 20-acre parcels contained less than two percent of the total WRIA stream length;
- 2) qualifying 20-acre parcels contained more than eight percent of the total WRIA stream length in only two of 53 WRIs included in the study
- 3) when viewed at a landscape scale, the length of streams on qualifying parcels is small relative to total stream length, therefore, any negative effects associated with implementation of less restrictive riparian rules are expected to be negligible.

The results of these projects produced two main conclusions. First, while the rules governing forest practices on qualifying parcels provide lower levels of ecological function than the Forests and Fish Rules, available data suggest that moderate to high levels of large woody debris recruitment and shade retention will occur on many parcels. Relatively narrow riparian buffers along small streams provide reduced ecological benefits while wider buffers along large streams and rivers produce higher levels of wood recruitment and shade.

Second, the limited extent of qualifying parcel stream length across the state compared to the length protected under the Forests and Fish Rules (as well as other Federal and State laws) mitigates any negative habitat effects that might result from the less restrictive protection measures. For these reasons, the rules governing forest practices on qualifying 20-acre parcels are not expected to have a substantial adverse impact on water quality and fish and amphibian habitat on lands covered by the Forest Practices HCP.

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The work to obtain federal assurances has progressed to the point where it is time to formally submit the state's HCP to the Services. Commissioner Sutherland and Governor Gregoire will be submitting Section 10 application on Wednesday, February 9. A press conference will cover the signing.

Commissioner Sutherland will be signing the 16 U.S.C. Sec. 1533(d) application, as directed by NOAA Fisheries' Limit 13 submittal instructions.

Once the state has made application to the Services, a 90-day public comment period will be held. DNR and Federal agency staff are planning a series of seven public meetings to be held throughout the state to provide additional information and accept public comments. Following the public comment period, the documents will be finalized and the federal agencies will render their decision, which we expect later this year.

Your continued support of Forests & Fish is appreciated. If you have any questions about this project, please don't hesitate to contact me at (360) 902-1603, or Debora Brown Munguia, Federal Assurances Manager, at (360) 902-1448.

Sincerely,



Pat McElroy
Executive Director of Regulatory Programs

c: Doug Sutherland, Commissioner of Public Lands
